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FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			QUADER, FAZLUL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,462	<b>Applicant(s)</b> KONNO ET AL.
	<b>Examiner</b> FAZLUL QUADER	<b>Art Unit</b> 2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 June 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,5-20,22,24-32,34-41 and 43-59 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3,5-20,22,24-32,34-41 and 43-59 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Claims 1-3, 5-20, 22, 24-32, 34-41 and 43-59 are pending in this application.
2. Examiner acknowledges applicant's amendments on 06/05/2009.
3. Applicant's arguments filed 06/05/2009, with respect to claims 1-3, 5-20, 22, 24-32, 34-41 and 43-59 have been fully considered but they are not persuasive, for examiner's response see discussion below.

***Objection to claims***

4. In view of the modification to Claims 2-20, the objections for these claims are being withdrawn.
5. In view of the modification of Claims 23-31, the objections for these claims are being withdrawn.
6. Claim 34, line 1 recite "An arrangement" which is indefinite. A proper correction is required.

7. (i) In view of the amendments to Claims 40-58, the objections to these claims are being withdrawn.

(ii) In view of amendments to Claims 1, line 1, the objection to this claim is being withdrawn.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-3, 5-20, 22, 24-32, 34-41 and 43-59 of the current application (effective filing date: Sep. 27, 2006) are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al. (US 20020064149; pub. date: May 30, 2002), hereinafter "Elliott" in view of Yeager et al. (US 20040088348; pub. date: May 06, 2004), hereinafter "Yeager", and further in view of Arimilli et al. (US 20040111575; filed: Dec. 5, 2002), hereinafter "Arimilli".

10. As to claim 1, Elliott discloses, a computer-implemented method for transferring a data file between a sending device and areceiving user equipment, the method comprising (Elliott: abstract; [0457]):

assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified (Elliott: [0457]; [1702]);

in response to finding that the data file is to be modified, creating a data file of the original data file and modifying the data file, based on said information, into a form suitable for transferring (abstract; [0457]);

wherein said information used in the assessing and modifying comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device, and wherein the assessing and modifying comprise assessing the data file and modifying the clone data file to be compatible with said message (Elliott: [0457]; [1702]; (Yeager: [0460]) and

transferring the modified data file from the sending device to the receiving user equipment ([0457]).

Elliott, however, does not explicitly disclose, "various transfer methods";

Elliott also does not explicitly disclose, creation of a clone data file of the orginal data file.

Yeager, on the other hand, discloses, "various transfer methods" (Yeager: [0460]).

Arimilli, however, discloses, creation of a clone data file of the orginal data file (Arimilli: [0066]).

Both Elliott and Yeager are of the same field of endeavor, they specifically teach managing distribution of contents (Elliott: [0004]); Yeager: abstract; Arimilli: abstarct).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Yeager and Arimilli into Elliott of system and method for providing requested quality of service in a hybrid network, that would have allowed users of Elliott to have an useful method, to create an efficient data transfer methods (Yeager: [0460]; Arimilli: [0003]).

11. As to claim 2, Elliott as modified discloses, the method according to claim 1, further comprising selecting the data file to be transferred from a plurality of data files

(Elliott: [0463]).

12. As to claim 3, Elliott as modified discloses, the method according to claim 1, wherein the step of assessing comprises carrying out said assessing by the sending device (Elliott: [0453]).

13. As to claim 4, the claim is cancelled by the applicant.

14. As to claim 5, Elliott as modified discloses, the method according to claim 1, wherein the step of modifying comprises modifying the data file based on capacity limitations of the transfer method (Elliott: [0458]; [0584]).

15. As to claim 6, Elliott as modified discloses, the method according to claim 5, wherein the step of modifying comprises modifying the data file based on a maximum file size supported by the transfer method (Elliott: [0457]-[0458]).

16. As to claim 7, Elliott as modified discloses, the method according to claim 1, wherein the step of modifying comprises modifying the data file based on capacity limitations of the receiving user equipment (Elliott: [1667]).

17. As to claim 8, Elliott as modified discloses, the method according to claim 7, wherein the step of modifying comprises modifying the data file based on a maximum

file size supported by the receiving user equipment (Elliott: [0085]; [0457]).

18. As to claim 9, Elliott as modified discloses, the method according to claim 1, wherein the step of modifying comprises compressing the data file (Elliott: [0441]).

19. As to claim 10, Elliott as modified discloses, the method according to claim 1, wherein the step of transferring the data file comprises transferring an image file (Elliott: [3004]; [0030]; [0099]).

20. As to claim 11, Elliott as modified discloses, the method according to claim 10 wherein the step of modifying comprises resizing the image file (Elliott: [3004]).

21. As to claim 12, Elliott as modified discloses, the method according to claim 11 wherein the step of modifying further comprises re-scaling the re-sized image file (Elliott: [3005]).

22. As to claim 13, Elliott as modified discloses, the method according to claim 1, wherein the step of modifying comprises changing the format of the data file (Elliott: [0081]).

23. As to claim 14, Elliott as modified discloses, the method according to claim 1, further comprising obtaining in the sending device an indication relating to the transfer

method (Elliott: [0453]).

24. As to claim 15, Elliott as modified discloses, the method according to claim 14, wherein the step of obtaining the indication relating to the transfer method comprises determining by the sending device an active transfer method capable of transferring the data file to the receiving user equipment (Elliott: [0458]).

25. As to claim 16, Elliott as modified discloses, the method according to claim 14, wherein the step of obtaining the indication relating to the transfer method comprises receiving in the sending device the indication sent by the receiving user equipment (Elliott: [0457]).

26. As to claim 17, Elliott as modified discloses, the method according to claim 14, wherein the step of obtaining the indication relating to the transfer method comprises displaying to a user of the sending device a list of transfer methods and allowing the user to select an indication belonging to the list (Elliott: [0103]).

27. As to claim 18, Elliott as modified discloses, the method according to claim 1, further comprising obtaining in the sending device an indication relating to the receiving user equipment (Elliott: [0453] -[0457]).

28. As to claim 19, Elliott as modified discloses, the method according to claim 18,

wherein the step of obtaining the indication relating to the receiving user equipment comprises receiving in the sending device the indication sent by the receiving user equipment (Elliott: [0457]).

29. As to claim 20, Elliott as modified discloses, the method according to claim 18, wherein the step of obtaining the indication relating to the receiving user equipment comprises displaying to a user of the sending device a list of receiving user equipment and allowing the user to select an indication belonging to the list (Elliott: [0712]; [0875]-([0876]).

30. Claim 21. (canceled).

31. As to claim 22, the claim can be rejected for the same reason as claim 1. In addition, Elliott discloses, a device configured to: communicate with a receiving user equipment for transferring a data file from the device to the receiving user equipment (abstract; [0457]);

assess, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified ([0457]);

in response to finding that the data file is to be modified, create a data file of the original data file and modify the data file, based on said information, into a form suitable

for transferring; and transfer the data file to the receiving user equipment (abstract; [0457]).

Elliott, however, does not explicitly disclose, "various transfer methods";

Elliott also does not explicitly disclose, creation of a clone data file of the orginal data file.

Yeager, on the other hand, discloses, "various transfer methods" (Yeager: [0460]).

Arimilli, however, discloses, creation of a clone data file of the orginal data file (Arimilli: [0066]).

Both Elliott and Yeager are of the same field of endeavor, they specifically teach managing distribution of contents (Elliott: [0004]); Yeager: abstract; Arimilli: abstarc).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Yeager and Arimilli into Elliott of system and method for providing requested quality of service in a hybrid network, that

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would have allowed users of Elliott to have an useful method, to create an efficient data transfer methods (Yeager: [0460]; Arimilli: [0003]).

32. As to claim 23, the claim has been cancelled by the applicant.

33. As to claim 24, Elliott as modified discloses, the device according to claim 22, wherein the device is configured to carry out the modification by compressing the data file (Elliott: [0441]).

34. As to claim 25, Elliott as modified discloses, the device according to any of claim 22, wherein the data file is an image file (Elliott: [0030]; [0099]).

35. As to claim 26, Elliott as modified discloses, the device according to claim 25, wherein the device is configured to carry out the modification by re-sizing the image file (Elliott: [3004]).

36. As to claim 27, Elliott as modified discloses, the device according to claim 26, wherein the device is configured to carry out the modification by re-scaling the re-sized image file (Elliott: [3004]).

37. As to claim 28, Elliott as modified discloses, the device according to any of claim 22, wherein the device is configured to carry out the modification by changing the format

of the data file (Elliott: [0080]).

38. As to claim 29, Elliott as modified discloses, the device according to any of claim 22, further configured to determine an active transfer method capable of transferring the information to the receiving user equipment (Elliott: [0458]).

39. As to claim 30, Elliott as modified discloses, the device according to any of claim 22, further configured to receive an indication of the transfer method and/or the receiving user equipment from the receiving user equipment (Elliott: [0457]).

40. As to claim 31, Elliott as modified discloses, the device according to any of claim 22, further configured to display to a user of the device a list of transfer methods and/or the receiving user equipment and to allow the user to select an indication belonging to the list (Elliott: [0103]).

41. As to claim 32, the claim can be rejected for the same reason as claim 1. In addition, Elliott discloses, a device comprising: transferring means for transferring a data file from the device to a receiving user equipment (Elliott: abstract; [0457];

assessing means for assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified before transferring (abstract; [0457]);

creating means for creating a data file of the original data file (abstract; [0457]);

modifying means for modifying, in response to finding that the data file is to be modified, the data file, based on said information, into a form suitable for transferring ([0457]).

Elliott, however, does not explicitly disclose, "various transfer methods";

Elliott also does not explicitly disclose, creation of a clone data file of the orginal data file.

Yeager, on the other hand, discloses, "various transfer methods" (Yeager: [0460]).

Arimilli, however, discloses, creation of a clone data file of the orginal data file (Arimilli: [0066]).

Both Elliott and Yeager are of the same field of endeavor, they specifically teach managing distribution of contents (Elliott: [0004]); Yeager: abstract; Arimilli: abstarc).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Yeager and Arimilli into Elliott of system and method for providing requested quality of service in a hybrid network, that would have allowed users of Elliott to have an useful method, to create an efficient data transfer methods (Yeager: [0460]; Arimilli: [0003]).

42. As to claim 33, the claim has been cancelled by the applicant.

43. As to claim 34, the claim can be rejected for the same reason as claim 1. In addition, Elliott discloses, an arrangement configured to transfer a data file from a sending device and a receiving user equipment, the arrangement being further configured to:

assess, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified (abstract; [0457]);

in response to finding that the data file is to be modified, create data files of the original data file and modify the data file, based on said information, into a form suitable for transferring ([0457]).

Elliott, however, does not explicitly disclose, "various transfer methods";

Elliott also does not explicitly disclose, creation of a clone data file of the orginal data file.

Yeager, on the other hand, discloses, "various transfer methods" (Yeager: [0460]).

Arimilli, however, discloses, creation of a clone data file of the orginal data file (Arimilli: [0066]).

Both Elliott and Yeager are of the same field of endeavor, they specifically teach managing distribution of contents (Elliott: [0004]); Yeager: abstract; Arimilli: abstarc).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Yeager and Arimilli into Elliott of system and method for providing requested quality of service in a hybrid network, that would have allowed users of Elliott to have an useful method, to create an efficient data transfer methods (Yeager: [0460]; Arimilli: [0003]).

44. As to claim 35, Elliott as modified discloses, the arrangement according to claim 34, wherein the receiving user equipment comprises one of a mobile user equipment, a mobile station and a personal digital assistant (Elliott: [3838], pager, mobile media).

45. As to claim 36, Elliott as modified discloses, the arrangement according to claim 34, wherein the sending device comprises a digital camera (Elliott: [2265], video camera).

46. As to claim 37, Elliott as modified discloses, the arrangement according to any of claim 34, wherein the transfer method is selected from a group comprising: universal serial bus port connection. Pop-Port connection, other galvanic connection, Bluetooth connection, infrared connection, wireless local area network connection, other wireless connection, direct connector connection or optical connection (Elliott: [0304]; [0613], LAN, wireless connections; [0636], providers of wireless network)).

47. As to claim 38, Elliott as modified discloses, the arrangement according to any of claim 34, wherein the sending device and the receiving user equipment are stand-alone devices (Elliott: [2160]; stand-alone devices).

48. As to claim 39, the claim can be rejected for the same reason as claim 1. In addition, Elliott discloses, a computer program product embodied on a computer-readable medium for transferring a data file between a sending device and a receiving user equipment, the computer program product comprising (Elliott: abstract; [0457]):

Computer code for: assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified (Elliott: abstract; [0457]);

in response to finding that the data file is to be modified, creating a data file of the original data file and modifying the data file, based on said information, into a form suitable for transferring abstract; (Elliott: [0457]); and

transferring the modified data file from the sending device to the receiving user equipment (Elliott: [0457]).

Elliott, however, does not explicitly disclose, "various transfer methods";

Elliott also does not explicitly disclose, creation of a clone data file of the orginal data file.

Yeager, on the other hand, discloses, "various transfer methods" (Yeager: [0460]).

Arimilli, however, discloses, creation of a clone data file of the orginal data file (Arimilli: [0066]).

Both Elliott and Yeager are of the same field of endeavor, they specifically teach managing distribution of contents (Elliott: [0004]); Yeager: abstract; Arimilli: abstarct).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Yeager and Arimilli into Elliott of system and method for providing requested quality of service in a hybrid network, that would have allowed users of Elliott to have an useful method, to create an efficient data transfer methods (Yeager: [0460]; Arimilli: [0003]).

49. As to claim 40, Elliott as modified discloses, the computer program product according to claim 39, further comprising computer code for selecting the data file to be transferred from a plurality of data files (Elliott: [0463]).

50. As to claim 41, Elliott as modified discloses, , the computer program product according to claim 39, wherein the computer code for assessing further comprises computer code for carrying out said assessing by the sending device (Elliott: [0453]).

51. As to claim 42, the claim has been cancelled by the applicant.

52. As to claim 43, Elliott as modified discloses, , the computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for modifying the data file based on capacity limitations of the transfer

method (Elliott: [0458]; [0584]).

53. As to claim 44, Elliott as modified discloses, , the computer program product according to claim 43, wherein the computer code for modifying further comprises computer code for modifying the data file based on a maximum file size supported by the transfer method (Elliott: [0457]-[0458]).

54. As to claim 45, Elliott as modified discloses, , the computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for modifying the data file based on capacity limitations of the receiving user equipment (Elliott: [1667]).

55. As to claim 46, Elliott as modified discloses, , the computer program product according to claim 45, wherein the computer code for modifying further comprises computer code for modifying the data file based on a maximum file size supported by the receiving user equipment (Elliott: [1667]).

56. As to claim 47, Elliott as modified discloses, , the computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for compressing the data file (Elliott: [0441]).

57. As to claim 48, Elliott as modified discloses, , the computer program product

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according to claim 39, wherein the computer code for transferring the data file further comprises computer code for transferring an image file (Elliott: [3004]; [0030]; [0099]).

58. As to claim 49, Elliott as modified discloses, , the computer program product according to claim 48, wherein the computer code for modifying further comprises computer code for resizing the image file (Elliott: [3005]).

59. As to claim 50, Elliott as modified discloses, , the computer program product according to claim 49, wherein the computer code for modifying further comprises computer code for re-scaling the re-sized image file (Elliott: [3005]).

60. As to claim 51, Elliott as modified discloses, , the computer program product according to claim 39, wherein the computer code for modifying further comprises computer code for changing the format of the data file (Elliott: [0081]).

61. As to claim 52, Elliott as modified discloses, , the computer program product according to claim 39, further comprising computer code for obtaining in the sending device an indication relating to the transfer (Elliott: [0453]).

62. As to claim 53, Elliott as modified discloses, , the computer program product according to claim 52, wherein the computer code for obtaining the indication relating to the transfer further comprises computer code for determining by the sending device an

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active transfer method capable of transferring the data file to the receiving user equipment (Elliott: [0458]).

63. As to claim 54, Elliott as modified discloses, , the computer program product according to claim 52, wherein the computer code for obtaining the indication relating to the transfer further comprises computer code for receiving in the sending device the indication sent by the receiving user equipment (Elliott: [0103]).

64. As to claim 55, Elliott as modified discloses, , the computer program product according to claim 52, wherein the computer code for obtaining the indication relating to the transfer further comprises computer code for displaying to a user of the sending device a list of transfer methods and allowing the user to select an indication belonging to the list (Elliott: [0712]; [0875]-[[0876]).

65. As to claim 56, Elliott as modified discloses, , the computer program product according to claim 39, further comprising computer code for obtaining in the sending device an indication relating to the receiving user equipment (Elliott: [0103]).

66. As to claim 57, Elliott as modified discloses, , the computer program product according to claim 56, wherein the computer code for obtaining the indication relating to the receiving user equipment further comprises computer code for receiving in the sending device the indication sent by the receiving user equipment (Elliott: [0457]).

67. As to claim 58, Elliott as modified discloses, , the computer program product according to claim 56, wherein the computer code for obtaining the indication relating to the receiving user equipment further comprises computer code for displaying to a user of the sending device a list of receiving user equipment and allowing the user to select an indication belonging to the list (Elliott: [0712]; [0875]-[[0876]).

68. Claim 59 can be rejected for the same reason as claim1 and its dependent claims.

***Prior art made of record***

69. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bharadwaj (US 20020032751) teach Remote displays in mobile communication networks.

Ramelson et al. (US 20040250059) teach secure network processing.

***Response to Arguments***

70. Applicant's arguments filed 06/05/2009, with respect to claims 1-3, 5-20, 22, 24-32, 34-41 and 43-59 have been fully considered but they are not persuasive, for examiner's response see discussion below.

As explained earlier, Elliott discloses, a computer-implemented method for transferring a data file between a sending device and a receiving user equipment, the method comprising (Elliott: abstract; [0457]): assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified (Elliott: [0457]; [1702]); in response to finding that the data file is to be modified, creating a data file of the original data file and modifying the data file, based on said information, into a form suitable for transferring (abstract; [0457]); wherein said information used in the assessing and modifying comprises an indication of capacity and/or format of a message which is to be used by the receiving user equipment to send the received modified clone data file to another device, and wherein the assessing and modifying comprise assessing the data file and modifying the clone data file to be compatible with said message (Elliott: [0457]; [1702]; (Yeager: [0460]) and transferring the modified data file from the sending device to the receiving user equipment ([0457]). Elliott, however, does not explicitly disclose, "various transfer methods"; Elliott also does not explicitly disclose, creation of a clone data file of the orginal data file.Yeager, on the

other hand, discloses, "various transfer methods" (Yeager: [0460]). Arimilli, however, discloses, creation of a clone data file of the orginal data file (Arimilli: [0066]).

**Applicant's arguments:** Claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 20020064149 to Elliott et al. (hereinafter "Elliott") in view of U.S. Patent Application No. 20040088348 to Yeager et al. (hereinafter "Yeager"). Applicant respectfully traverses the rejection for at least the following reasons. Embodiments of the present invention relate to the transfer of files between a sending device and receiving user equipment. Transfer of such files may require accommodation of certain limitations. For example, as noted in the specification, "[t]o be able to transfer the file from the sending device, such as a digital camera, to the receiving user equipment, such as a mobile station, the sending device needs to re-size the files to fit to the limitation." Specification, page 6, lines 1-3. In accordance with embodiments of the present invention, information relating to the transfer method and/or the receiving user equipment is used to assess if the data file is to be modified. The assessment may be used to accordingly modify the data file. Accordingly, independent claim 1 recites "**assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified.**" Independent claims 22, 32, 34 and 39 each recite a similar feature. In another aspect, independent claim 33 recites user equipment with provides an indication relating to such information. The cited references, either alone or in combination, fail to teach or suggest at least this feature of the present invention. Specifically, Elliot discloses a system for routing

telephone calls, data and other information through a hybrid network. There is no teaching or suggestion in Elliot of any modification to the data being transferred. According to the disclosure of Elliot profile information is used for routing, billing, monitoring, reporting and other media control functions. Thus, Elliot fails to teach or suggest any assessment of whether any data file to be transferred is to be modified. Yeager fails to cure this deficiency. Yeager is cited by the Examiner as disclosing "various transfer methods." Office Action dated January 25, 2008, Page 3. The Office Action does not cite Yeager as disclosing the above-noted feature of the pending claims. After a review of the cited portions of Yeager, Applicant's representative has found no disclosure in Yeager of any assessment of whether any data file to be transferred is to be modified. Thus, Yeager fails to teach or suggest at least the above-noted feature of the pending claims. In order to establish a prima facie case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. § 2143. Since neither Elliot nor Yeager teaches or suggests at least the above-noted feature of the pending claims, the Office Action fails to establish a prima facie case of obviousness. Accordingly, independent claims 1, 22, 32, 33, 34 and 39 are patentable. Claims 2-20 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claims 23-31 depend from allowable claim 22, claims 35- 38 depend from allowable claim 34, and claims 40-58 depend from allowable claim 39. Therefore,

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claims 23-31, 35-38 and 40-58 are patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

**Examiner's response:** As explained earlier in the office action, Elliott discloses, a method for transferring a data file between a sending device and a receiving user equipment, the method comprising: assessing, based on information relating to a transfer method and/or receiving user equipment, if the data file is to be modified; in response to finding that the data file is to be modified, modifying the data file, based on said information, into a form suitable for transferring (abstract: [0457]); and transferring the data file from the sending device to the receiving user equipment ([0457]). Elliott, however, does not explicitly disclose, "various transfer methods"; Yeager, on the other hand, discloses, "various transfer methods" (Yeager: [0460]).

Elliott, in paragraph [0004] discloses, [0004] According to a broad aspect of a preferred embodiment of the invention, telephone calls, data and other multimedia information is routed through a hybrid network which includes transfer of information across the internet utilizing telephony routing information and internet protocol address information. A telephony order entry procedure captures complete user profile information for a user. This profile information is used by the system throughout the telephony experience for routing, billing, monitoring, reporting and other telephony control functions. Users can manage more aspects of a network than previously possible and control network activities from a central site, while still allowing the

operator of the telephone system to maintain quality and routing selection. The hybrid network also contains logic for responding to requests for quality of service and reserving the resources to provide the requested services.

Moreover, Yeager in paragraph [0078] discloses embodiments of a system and method for implementing mobile agents in peer-to-peer (P2P) networking environments are described. A mobile agent may be software configured to operate on different nodes in a network and gather information or perform some service on host nodes in the network for a program, system, or user. For example, a mobile agent may be created on one node in a network, start executing on that node, be transferred to another node, and continue executing on that other node. A mobile agent may be configured to perform one or more operations on network nodes hosting the mobile agent. A mobile agent may be configured to navigate through the network from node to node according to an itinerary.

### ***Conclusion***

71. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

72. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAZLUL QUADER whose telephone number is (571)270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad Ali/  
Supervisory Patent Examiner, Art Unit 2158

FAZLUL QUADER  
Examiner  
Art Unit 2164

/FQ/